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United Nations

Report of the Human Rights Council

Ninth session
(8-24 September 2008)

General Assembly
Official Records
Sixty-third session
Supplement No. 53 A (A/63/53/Add.1)

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The present volume contains the resolutions, decisions and President's statements adopted by the Human Rights Council at its ninth session, from 8 to 24 September 2008.

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I. RESOLUTIONS

9/1. Mandate of the Special Rapporteur on the adverse effects of the movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and the Vienna Declaration and Programme of Action, particularly on the question of the human rights of everyone to life, the enjoyment of the highest attainable standard of physical and mental health, food, adequate housing and work, access to information, access to safe drinking water and sanitation, public participation and the right to development,

Bearing in mind paragraph 6 of General Assembly resolution 60/251 of 15 March 2006,

Recalling all previous resolutions of the Commission on Human Rights on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights, in particular resolutions 1995/81 of 8 March 1995, 2004/17 of 16 April 2004 and 2005/15 of 14 April 2005,

Affirming that transboundary and national movements and the dumping of toxic and dangerous products and wastes may constitute a serious threat to human rights, including the right to life, the enjoyment of the highest attainable standard of physical and mental health, food, adequate housing and work, access to information and to safe drinking water and sanitation, public participation and the right to development,

Reiterating that all human rights are universal, indivisible, interdependent and interrelated,

Reaffirming that the international community must treat all human rights in a fair and equal manner, on the same footing and with the same emphasis,

Recalling Council resolutions 5/1 on institution-building of the United Nations Human Rights Council and 5/2 on the code of conduct for special procedures mandate-holders of the Human Rights Council, of 18 June 2007, and stressing that the mandate-holder shall discharge his/her duties in accordance with those resolutions and the annexes thereto,

1. *Strongly condemns* the dumping of toxic and dangerous products and wastes that have a negative impact on human rights;

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* The report of the Council on its ninth session will be issued in document A/HRC/9/28.

2. *Acknowledges with appreciation* the work undertaken by the Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights;

3. *Decides* to extend the mandate of the Special Rapporteur on the adverse effects of the movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights for a further period of three years;

4. *Urges* the Special Rapporteur to continue to undertake, in consultation with the relevant United Nations bodies, organizations and the secretariats of relevant international conventions, a global, multidisciplinary and comprehensive study of existing problems and new trends of, and solutions to, the adverse effects of the trafficking and dumping of toxic and dangerous products and wastes on human rights, in particular in developing countries, as well as in those sharing borders with developed countries, with a view to making concrete recommendations and proposals on adequate measures to control, reduce and eradicate these phenomena;

5. *Invites* the Special Rapporteur, in accordance with his mandate, to include in his report to the Council comprehensive information on:

(*a*) The adverse effects on the full enjoyment of human rights, including in particular the right to life, the enjoyment of the highest attainable standard of physical and mental health, resulting from the movement and dumping of toxic and dangerous products and wastes;

(*b*) Human rights responsibilities of transnational corporations and other business enterprises that dump toxic and dangerous products and wastes;

(*c*) The question of rehabilitation of and assistance to victims;

(*d*) The scope of national legislation in relation to transboundary movement and dumping of toxic and dangerous products and wastes;

(*e*) The human rights implications of waste-recycling programmes, the transfer of polluting industries, industrial activities and technologies from developed to developing countries and their new trends, including e-waste and the dismantling of ships;

(*f*) The question of ambiguities in international instruments that allow the movement and dumping of toxic and dangerous products and wastes, and any gaps in the effectiveness of the international regulatory mechanisms;

6. *Calls upon* countries to facilitate the work of the Special Rapporteur by providing information and inviting him to undertake country visits;

7. *Encourages* the Special Rapporteur, in accordance with his mandate and with the support and assistance of the Office of the United Nations High Commissioner for Human Rights, to continue to provide Governments with an appropriate opportunity to respond to allegations transmitted to him and reflected in his report, and to have their observations reflected in his report to the Council;

8. *Reiterates* its call to the Secretary-General to continue to make all necessary resources available to the Special Rapporteur so that he may carry out his mandate successfully and, in particular:

(*a*) To provide him with adequate financial and human resources, including administrative support;

(*b*) To provide him with the necessary specialized expertise to enable him to carry out his mandate fully;

(*c*) To facilitate his consultations with specialized institutions and agencies, in particular with the United Nations Environment Programme and the World Health Organization, with a view to improving the provision by such institutions and agencies of technical assistance to Governments that request it and appropriate assistance to victims;

9. *Stresses* the need to ensure adequate financial, technical and human resources to the Special Rapporteur for the effective fulfilment of his mandate;

10. *Decides* to continue consideration of the issue of the adverse effects of the movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights under the same agenda item in 2009, in accordance with its annual of programme of work.

22nd meeting
24 September 2008

[Adopted without a vote.]

9/2. Human rights and international solidarity

The Human Rights Council,

Reaffirming all previous resolutions adopted by the Commission on Human Rights and the Council on the issue of human rights and international solidarity, including Commission resolution 2005/55 and Council resolutions 6/3 and 7/5, and taking note of the reports presented by the independent expert on human rights and international solidarity, in particular his latest one (A/HRC/9/10),

Underlining the fact that the processes of promoting and protecting human rights should be conducted in conformity with the purposes and principles of the Charter of the United Nations and of international law,

Recalling that, at the World Conference on Human Rights, held in Vienna in June 1993, States pledged to cooperate with each other in ensuring development and eliminating obstacles to development, and stressed that the international community should promote effective international cooperation for the realization of the right to development and the elimination of obstacles to development,

Reaffirming that article 4 of the Declaration on the Right to Development states that sustained action is required to promote more rapid development of developing countries and, as a complement to the efforts of developing countries, effective international cooperation is essential in providing these countries with appropriate means and facilities to foster their comprehensive development,

Taking into account that article 2 of the International Covenant on Economic, Social and Cultural Rights states that each State party to the Covenant undertakes to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the Covenant by all appropriate means, including particularly the adoption of legislative measures,

Persuaded that sustainable development can be promoted by peaceful coexistence, friendly relations and cooperation among States with different social, economic or political systems,

Reaffirming that the widening gap between the economically developed and developing countries is unsustainable and that it impedes the realization of human rights in the international community, and makes it all the more imperative for every nation, according to its capacities, to make the maximum possible effort to close this gap,

Expressing concern at the fact that the immense benefits resulting from the process of globalization and economic interdependence have not reached all countries, communities and individuals, and at the increasing marginalization from their benefits of several countries, particularly the least developed and the African countries,

Expressing its deep concern at the number and scale of natural disasters, diseases and agricultural pests and their increasing impact in recent years, which have resulted in a massive loss of life and long-term negative social, economic and environmental consequences for vulnerable societies throughout the world, in particular in developing countries,

Reaffirming the crucial importance of increasing the resources allocated to official development assistance, and recalling the pledge of the industrialized countries to allocate 0.7 per cent of their gross national product to official development assistance, and recognizing the need for new and additional resources to finance the development programmes of developing countries,

Determined to take new steps forward in the commitment of the international community with a view to achieving substantial progress in human rights endeavours by an increased and sustained effort of international cooperation and solidarity,

Asserting the necessity to establish new, equitable and global links of partnership and intragenerational solidarity for the perpetuation of humankind,

Recognizing that the attention paid to the importance of international solidarity as a vital component of the efforts of developing countries towards the realization of the right to development of their peoples and the promotion of the full enjoyment of economic, social and cultural rights by everyone has been insufficient,

Resolved to strive to ensure that present generations are fully aware of their responsibilities towards future generations, and that a better world is possible for present and future generations,

1. *Reaffirms* the recognition set forth in the declaration adopted by the Heads of State and Government at the Millennium Summit of the United Nations of the fundamental value of solidarity to international relations in the twenty-first century, in stating that global challenges must be managed in a way that distributes costs and burdens fairly, in accordance with basic principles of equity and social justice, and that those who suffer, or who benefit least, deserve help from those who benefit most;

2. *Expresses its determination* to contribute to the solution of current world problems through increased international cooperation, to create such conditions as will ensure that the needs and interests of future generations are not jeopardized by the burden of the past, and to hand over a better world to future generations;

3. *Urges* the international community to consider urgently concrete measures to promote and consolidate international assistance to developing countries in their development endeavours and for the promotion of conditions conducive to the full realization of all human rights;

4. *Reaffirms* that the promotion of international cooperation is a duty for States, and that it shall be implemented without any conditionality, and on the basis of mutual respect, in full compliance with the principles and purposes of the Charter of the United Nations, in particular respect for the sovereignty of States, and taking into account national priorities;

5. *Recognizes* that the so-called "third-generation rights" closely interrelated with the fundamental value of solidarity need further progressive development within the United Nations human rights machinery in order to be able to respond to the increasing challenges of international cooperation in this field;

6. *Requests* all States, United Nations agencies, other relevant international organizations and non-governmental organizations to mainstream the right of peoples and individuals to international solidarity in their activities, and to cooperate with the independent expert in his mandate, to supply all necessary information requested by him and to give serious consideration to responding favourably to the requests of the independent expert to visit their countries, to enable him to fulfil his mandate effectively;

7. *Requests* the independent expert to continue his work in the preparation of a draft declaration on the right of peoples and individuals to international solidarity, and in further developing guidelines, standards, norms and principles with a view to promoting and protecting this right, by addressing, inter alia, existing and emerging obstacles to its realization;

8. *Also requests* the independent expert to take into account the outcomes of all major United Nations and other global summits and ministerial meetings in the economic and social fields and to seek views and contributions from Governments, United Nations agencies, other relevant international organizations and non-governmental organizations in the discharge of his mandate;

9. *Requests* the Human Rights Council Advisory Committee to prepare inputs to contribute to the elaboration of the draft declaration on the right of peoples and individuals to international solidarity, and to the further development of guidelines, standards, norms and principles with a view to promoting and protecting this right;

10. *Requests* the independent expert to submit a report on the implementation of the present resolution to the Council at its twelfth session;

11. *Decides* to continue its examination of this issue at its twelfth session under agenda item 3.

22nd meeting
24 September 2008

[Adopted by a recorded vote of 33 to 13. The voting was as follows:

In favour: Angola, Argentina, Azerbaijan, Bahrain, Bangladesh, Bolivia, Brazil, Burkina Faso, Cameroon, Chile, China, Cuba, Djibouti, Egypt, Gabon, Ghana, India, Indonesia, Jordan, Malaysia, Mauritius, Mexico, Nicaragua, Nigeria, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Uruguay, Zambia;

Against: Bosnia and Herzegovina, Canada, France, Germany, Italy, Japan, Netherlands, Republic of Korea, Slovakia, Slovenia, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland.]

9/3. The right to development

The Human Rights Council,

Recalling the Charter of the United Nations and the core human rights instruments,

Reaffirming the United Nations Declaration on the Right to Development, adopted by the General Assembly in its resolution 41/128 of 4 December 1986,

Reaffirming also its resolution 4/4 of 30 March 2007 and recalling all Commission on Human Rights, Human Rights Council and General Assembly resolutions on the right to development,

Emphasizing the urgent need to make the right to development a reality for everyone,

Taking note of the efforts under way in the framework of the Working Group on the Right to Development with the support of the high-level task force on the implementation of the right to development to develop a set of criteria for the periodic evaluation of global partnerships as identified in Millennium Development Goal 8,

1. *Welcomes* the report of the Working Group on the Right to Development (A/HRC/9/17);

2. *Decides*:

(*a*) To continue to act to ensure that its agenda promotes and advances sustainable development and the achievements of the Millennium Development Goals and, in this regard, to lead to raising the right to development, as set out in paragraphs 5 and 10 of the Vienna Declaration and Programme of Action, to the same level and on a par with all other human rights and fundamental freedoms;

(*b*) To endorse the workplan for the task force for the period 2008-2010, outlined in paragraph 43 of the report of the Working Group, which would ensure that the criteria for the periodic evaluation of global partnerships, as identified in Millennium Development Goal 8, to be submitted by the task force to the Working Group at its eleventh session in 2010, is extended to other components of Millennium Development Goal 8;

(*c*) That the above criteria, once considered, revised and endorsed by the Working Group, should be used, as appropriate, in the elaboration of a comprehensive and coherent set of standards for the implementation of the right to development;

(*d*) That, upon completion of the three phases of the road map, the Working Group will take appropriate steps to ensure respect for and practical application of these standards, which could take various forms, including guidelines on the implementation of the right to development, and evolve into a basis for consideration of an international legal standard of a binding nature, through a collaborative process of engagement;

(*e*) To renew the mandate of the Working Group until it completes the tasks entrusted to it by Council in its resolution 4/4, and that the Working Group shall convene annual sessions of five working days and submit its reports to the Council;

(*f*) To renew also the mandate of the high-level task force on the implementation of the right to development, established within the framework of the Working Group, until the eleventh session of the Working Group in 2010, and that the task force will convene annual sessions of seven working days and submit its reports to the Working Group;

(*g*) To request the Office of the United Nations High Commissioner for Human Rights to continue to take all necessary measures and allocate necessary resources for the effective implementation of the present resolution, taking into account the needs for the effective implementation of the workplan referred to in paragraph 2 (b) above;

3. *Also decides* to review the progress of the implementation of the present resolution as a matter of priority at its future sessions.

22nd meeting
24 September 2008

[Adopted without a vote.]

9/4. Human rights and unilateral coercive measures

The Human Rights Council,

Recalling the purposes and principles of the Charter of the United Nations,

Recalling also all previous resolutions on human rights and unilateral coercive measures adopted by the Commission on Human Rights, the Council and the General Assembly,

Reaffirming its resolution 6/7 of 28 September 2007 and Assembly resolution 62/162 of 18 December 2007,

Taking note of the report of the Secretary-General on this issue (A/HRC/9/2),

Stressing that unilateral coercive measures and legislation are contrary to international law, international humanitarian law, the Charter of the United Nations and the norms and principles governing peaceful relations among States,

Recognizing the universal, indivisible, interdependent and interrelated character of all human rights and, in this regard, reaffirming the right to development as a universal and inalienable right and an integral part of all human rights,

Expressing its concern at the negative impact of unilateral coercive measures in the field of human rights, development, international relations, trade, investment and cooperation,

Recalling the final document of the Fourteenth Conference of Heads of State or Government of the Non-Aligned Movement, held in September 2006 in Havana and the final document of the Ministerial Conference of the Non-Aligned Movement, held in Teheran in July 2008, at which the high dignitaries of the Member States agreed to oppose and condemn these measures or laws and their continued application, to persevere with efforts to effectively reverse them and urged other States to do likewise, as called for by the General Assembly and other United Nations organs, and to request States applying these measures or laws to revoke them fully and immediately,

Recalling also that the World Conference on Human Rights, held in Vienna from 14 to 25 June 1993, called upon States to refrain from any unilateral measure not in accordance with international law and the Charter of the United Nations that creates obstacles to trade relations among States and impedes the full realization of all human rights, and also severely threatens the freedom of trade,

Deeply concerned that, despite the resolutions adopted on this issue by the General Assembly, the Council, the Commission on Human Rights and at United Nations conferences held in the 1990s and at their five-year reviews, and contrary to norms of international law and the Charter of the United Nations, unilateral coercive measures continue to be promulgated, implemented and enforced, inter alia, by resorting to war and militarism, with all their negative implications for the social-humanitarian activities and economic and social development of developing countries, including their extraterritorial effects, thereby creating additional obstacles to the full enjoyment of all human rights by peoples and individuals under the jurisdiction of other States,

Reaffirming that unilateral coercive measures are a major obstacle to the implementation of the Declaration on the Right to Development,

Recalling article 1, paragraph 2, common to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, which provides, inter alia, that in no case may a people be deprived of its own means of subsistence,

1. *Urges* all States to stop adopting or implementing unilateral coercive measures not in accordance with international law, international humanitarian law, the Charter of the United Nations and the norms and principles governing peaceful relations among States, in particular those of a coercive nature with extraterritorial effects, which create obstacles to trade relations among States, thus impeding the full realization of the rights set forth in the Universal Declaration of Human Rights and other international human rights instruments, in particular the right of individuals and peoples to development;

2. *Strongly objects* to the extraterritorial nature of those measures which, in addition, threaten the sovereignty of States and, in this context, calls upon all Member States neither to recognize these measures nor apply them, and to take effective administrative or legislative measures, as appropriate, to counteract the extraterritorial application or effects of unilateral coercive measures;

3. *Condemns* the continued unilateral application and enforcement by certain powers of such measures as tools of political or economic pressure against any country, particularly against developing countries, with a view to preventing these countries from exercising their right to decide, of their own free will, their own political, economic and social systems;

4. *Reiterates its call* upon Member States that have initiated such measures to abide by the principles of international law, the Charter of the United Nations, the declarations of the United Nations and world conferences and relevant resolutions and to commit themselves to their obligations and responsibilities arising from the international human rights instruments to which they are parties by putting an immediate end to such measures;

5. *Reaffirms*, in this context, the right of all peoples to self-determination, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development;

6. *Recalls* that, according to the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, contained in the annex to General Assembly resolution 2625 (XXV) of 24 October 1970, and according to the relevant principles and provisions contained in the Charter of Economic Rights and Duties of States proclaimed by the Assembly in its resolution 3281 (XXIX) of 12 December 1974, in particular article 32, no State may use or encourage the use of economic, political or any other type of measure to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights and to secure from it advantages of any kind;

7. *Reaffirms* that essential goods, such as food and medicines, should not be used as tools for political coercion and that under no circumstances should people be deprived of their own means of subsistence and development;

8. *Underlines* the fact that unilateral coercive measures are one of the major obstacles to the implementation of the Declaration on the Right to Development and, in this regard, calls upon all States to avoid the unilateral imposition of economic coercive measures and the extraterritorial application of domestic laws that run counter to the principles of free trade and hamper the development of developing countries, as recognized by the Intergovernmental Group of Experts on the Right to Development in its report on its second session (E/CN.4/1998/29);

9. *Rejects* all attempts to introduce unilateral coercive measures, as well as the increasing trend in this direction, including through the enactment of laws with extraterritorial application which are not in conformity with international law;

10. *Recognizes* that the Declaration of Principles adopted at the first phase of the World Summit on the Information Society, held in Geneva in December 2003, strongly urged States to avoid and refrain from any unilateral measure in building the information society;

11. *Invites* all special rapporteurs and existing thematic mechanisms of the Council in the field of economic, social and cultural rights to pay due attention, within the scope of their respective mandates, to the negative impact and consequences of unilateral coercive measures;

12. *Decides* to give due consideration to the negative impact of unilateral coercive measures in its task concerning the implementation of the right to development;

13. *Requests*:

(*a*) The United Nations High Commissioner for Human Rights, in discharging her functions in relation to the promotion and protection of human rights, to pay due attention and give urgent consideration to the present resolution;

(*b*) The Secretary-General to bring the present resolution to the attention of all States Members of the United Nations and to seek their views and information on the implications and negative effects of unilateral coercive measures on their populations, and to submit a report thereon to the Council at its twelfth session;

14. *Decides* to examine this question, on a priority basis, as appropriate, in accordance with its annual programme of work under the same agenda item.

22nd meeting
24 September 2008

[Adopted by a recorded vote of 33 to 11, with 2 abstentions. The voting was as follows:

In favour:	Angola, Argentina, Azerbaijan, Bahrain, Bangladesh, Bolivia, Brazil, Burkina Faso, Cameroon, Chile, China, Cuba, Djibouti, Egypt, Gabon, Ghana, India, Indonesia, Jordan, Malaysia, Mauritius, Mexico, Nicaragua, Nigeria, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Uruguay, Zambia;
Against:	Canada, France, Germany, Italy, Japan, Netherlands, Slovakia, Slovenia, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland;
Abstaining:	Bosnia and Herzegovina, Republic of Korea.]

9/5. Human rights of migrants

The Human Rights Council,

Reaffirming the Universal Declaration of Human Rights on its sixtieth anniversary, which proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular with regard to race, colour or national origin,

Recalling previous resolutions adopted by the Commission on Human Rights and the General Assembly on the protection of migrants,

Recalling also the provisions concerning migrants contained in the outcome documents of all major United Nations conferences and summits,

Considering that every State must ensure the protection of human rights of all individuals within its territory and subject to its jurisdiction, without discrimination of any kind, including in particular on the basis of national origin,

Recalling the judgment of the International Court of Justice of 27 June 2001 and advisory opinions OC 16/99 of 1 October 1999 and OC 18/03 of 17 September 2003, issued by the Inter-American Court of Human Rights, on the right to information on consular assistance in the framework of the guarantees of the due process of law and on the juridical condition and rights of undocumented migrants, respectively,

Taking note of the judgment of the International Court of Justice of 31 March 2004 in the case of *Avena and Other Mexican Nationals (Mexico v. United States of America)* and recalling the obligations of States reaffirmed therein, as well as in the subsequent rulings of the International Court of Justice following that judgment,

Concerned at the large and growing number of migrants, especially women and children, who attempt to cross international borders without the required travel documents, which places them in a particularly vulnerable situation, and recognizing the obligation of States to respect the human rights of those migrants,

Recognizing the increasing participation of women in international migration movements,

Deeply concerned at the manifestations of violence, racism, racial discrimination, xenophobia and other forms of intolerance and inhuman and degrading treatment against migrants, especially women and children, in different parts of the world,

Recalling the High-level Dialogue on International Migration and Development, held pursuant to General Assembly resolution 58/208 of 23 December 2003, in New York on 14 and 15 September 2006, for the purpose of discussing the multidimensional aspects of international migration and development, which recognized the relationship between international migration, development and human rights,

Noting the adoption of resolution 62/270 by the General Assembly on the Global Forum on Migration and Development in which, inter alia, the Assembly recognizes that exchanges of information and expertise, consultation and closer cooperation between the Global Forum on Migration and Development and the United Nations could have a positive impact,

Recognizing the role of migrants in positive interaction, particularly in social and cultural fields between the countries of migration, and their contribution to the promotion of international ties,

Recognizing also the cultural and economic contributions made by migrants to receiving societies and their communities of origin and committing to ensure dignified, humane treatment with applicable protections and to strengthening mechanisms for international cooperation,

Emphasizing the global character of the migratory phenomenon, the importance of international, regional and bilateral cooperation and the need to protect the human rights of migrants, particularly at a time in which migration flows have increased in the globalized economy and take place in a context of new security concerns,

Bearing in mind that policies and initiatives on the issue of migration, including those that refer to the orderly management of migration, should promote holistic approaches that take into account the causes and consequences of the phenomenon, the full respect of human rights and the fundamental freedoms of migrants,

Resolved to ensure respect for the human rights and fundamental freedoms of all migrants,

1. *Reaffirms* the rights set forth in the Universal Declaration of Human Rights, and in this regard:

(*a*) Strongly condemns the manifestations and acts of racism, racial discrimination, xenophobia and related intolerance against migrants and the stereotypes often applied to them, and urges States to apply existing laws when xenophobic or intolerant acts or manifestations or expressions against migrants occur, in order to eradicate impunity for those who commit xenophobic and racist acts;

(*b*) Requests States to effectively promote and protect the human rights and fundamental freedoms of all migrants, especially those of women and children, regardless of their immigration status, in conformity with the Universal Declaration of Human Rights and the international instruments to which they are party;

(*c*) Expresses concern at legislation and measures adopted by some States that may restrict the human rights and fundamental freedoms of migrants, and reaffirms that, when exercising their sovereign right to enact and implement migratory and border security measures, States have the duty to comply with their obligations under international law, including international human rights law, in order to ensure full respect for the human rights of migrants;

(*d*) Calls upon States to observe national legislation and applicable international legal instruments to which they are party when enacting national security measures, in order to respect the human rights of migrants;

(*e*) Takes note of action taken by several special procedures of the Council towards the effective prevention of violations of human rights of migrants, including through joint statements, and encourages them to continue with their collaborative efforts to this end within their respective mandates;

(*f*) Calls upon States that have not done so to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families as a matter of priority, and requests the Secretary-General to continue his efforts to promote and to raise awareness of the Convention;

2. *Also reaffirms* the duty of States to effectively promote and protect the human rights and fundamental freedoms of all migrants, especially those of women and children, regardless of their immigration status, in conformity with the Universal Declaration of Human Rights and the international instruments to which they are party, and therefore:

(*a*) Urges all States to adopt effective measures to put an end to the arbitrary arrest and detention of migrants and to take actions to prevent and punish any form of illegal deprivation of liberty of migrants by individuals or groups;

(*b*) Takes note with appreciation of States that have successfully implemented alternative measures to detention for undocumented migrants and requests the Special Rapporteur, other special procedures of the Council and the High Commissioner for Human Rights to pay special attention to cases of arbitrary detention of migrants, particularly of migrant children and adolescents;

(*c*) Requests States to adopt concrete measures in order to prevent the violation of the human rights of migrants while in transit, including in ports and airports and at borders and migration checkpoints, and to train public officials who work in those facilities and in border areas to treat migrants and their families respectfully and in accordance with the law;

(*d*) Also requests States to prosecute, in conformity with applicable law, any act of violation of the human rights of migrants and their families, inter alia, arbitrary detention, torture and violations of the right to life, including extrajudicial executions during their transit from their country of origin to the country of destination and vice versa, including their transit through national borders;

(*e*) Reaffirms emphatically the duty of States parties to ensure full respect for and observance of the Vienna Convention on Consular Relations, particularly with regard to the right of foreign nationals, regardless of their immigration status, to communicate with a consular official of their own State in the case of detention, and the obligation of the State in whose territory the detention occurs to inform the foreign national of that right;

(*f*) Requests all States, in conformity with national legislation and applicable international legal instruments to which they are party, to prosecute violations of labour law firmly with regard to migrant workers' conditions of work, inter alia, those related to their remuneration and conditions of health, safety at work and the right to freedom of association;

(*g*) Encourages all States to remove unlawful obstacles that may prevent the safe, unrestricted and expeditious transfer of earnings, assets and pensions of migrants to their country of origin or to any other countries, in conformity with applicable legislation, and to consider, as appropriate, measures to solve other problems that may impede such transfers;

(*h*) Welcomes the adoption by the World Health Organization of its resolution WHA61.17 on the health of migrants, and calls upon States to take it into account as a measure for the progressive realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

(*i*) Recalls that the Universal Declaration on Human Rights recognizes that everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted to him or her;

3. *Emphasizes* the importance of protecting vulnerable groups, and in this regard:

(*a*) Welcomes the immigration programmes, adopted by some countries, that allow migrants to integrate fully into the host countries, facilitate family reunification and promote a harmonious and tolerant environment, and encourages States to consider the possibility of adopting that type of programme;

(*b*) Encourages all States to apply a gender perspective in developing international migration policies and programmes in order to adopt the necessary measures to better protect women and girls against dangers and abuse during migration;

(*c*) Calls upon States to protect the human rights of migrant children, given their vulnerability, particularly unaccompanied migrant children, ensuring that the best interests of the children are a primary consideration in their policies of integration, return and family reunification;

(*d*) Encourages all States to prevent and eliminate discriminatory policies that deny migrant children access to education;

(*e*) Urges States to ensure that repatriation mechanisms allow for the identification and special protection of persons in vulnerable situations, including persons with disabilities, and take into account, in conformity with their international obligations and commitments, the principle of the best interest of the child and family reunification;

(*f*) Encourages States that have not yet done so to enact domestic legislation and to take further effective measures to combat and prosecute international trafficking and smuggling of migrants, and to protect and assist the victims of violence and trauma in such processes, and also encourages States parties to implement fully their obligations under the United Nations Convention against Transnational Organized Crime and the two additional Protocols thereto;

4. *Stresses* the importance of international, regional and bilateral cooperation in the protection of the human rights of migrants, and therefore:

(*a*) Requests all States, international organizations and relevant stakeholders to take into account in their policies and initiatives on migration issues the global character of the migratory phenomenon and to give the necessary relevance to international, regional and bilateral cooperation in this field, with a view to addressing, in a comprehensive manner, its causes and consequences and granting priority to the protection of human rights of migrants;

(*b*) Encourages States to consider participating in international and regional dialogues on migration that include sending and receiving countries, as well as countries of transit, and invites them to consider negotiating bilateral and regional agreements on migrant workers in the framework of applicable human rights law and designing and implementing programmes with States of other regions to protect the rights of migrants;

(*c*) Calls upon States and intergovernmental and non-governmental organizations to observe International Migrants Day on 18 December of each year, proclaimed by the General Assembly, by adopting measures to ensure their protection and to promote greater harmony between migrants and the societies in which they live;

(*d*) Notes the first meeting of the Global Forum on Migration and Development, held in Brussels, in July 2007, and the second meeting of the Global Forum to be held in Manila, in October 2008, and recognizes the inclusion of a discussion on migration, development and human rights as a step to address the multidimensional nature of international migration;

(*e*) Requests Member States, the United Nations system, international organizations, civil society and all relevant stakeholders, especially the United Nations High Commissioner for Human Rights and the Special Rapporteur on the human rights of migrants, to ensure that the perspective of the human rights of migrants is included among the priority issues in the ongoing discussions on international migration and development in the United Nations system, bearing in mind the discussions of the High-level Dialogue on International Migration and Development;

(*f*) Encourages the Special Rapporteur to continue to examine ways and means of overcoming obstacles to the full and effective protection of the human rights of migrants, including national and international efforts to combat the trafficking of persons and smuggling of migrants, in order to achieve a better comprehension of the phenomena and to avoid practices that could violate the human rights of migrants;

5. *Decides* to continue consideration of this question at a future session in conformity with its annual programme of work.

22nd meeting
24 September 2008

[Adopted without a vote.]

9/6. Follow-up to the seventh special session of the Human Rights Council on the negative impact of the worsening of the world food crisis on the realization of the right to food for all

The Human Rights Council,

Reaffirming all previous resolutions and decisions on the right to food adopted in the framework of the United Nations, in particular Council resolution S-7/1 of 22 May 2008,

Recalling the United Nations Millennium Declaration, in particular the first Millennium Development Goal of eradicating hunger and extreme poverty by 2015,

Noting the outcome of the High-level Conference on World Food Security: the Challenges of Climate Change and Bioenergy, held from 3 to 5 June 2008, in Rome,

Resolved to act to ensure that the human rights perspective is taken into account at the national, regional and international levels in measures to address the current world food crisis,

Welcoming the holding of the panel discussion entitled "The human right to food and the global food crisis: root causes and responses", held in New York, on 29 August 2008,

Acknowledging the task force established by the Secretary-General, and supporting the Secretary-General to continue his efforts in this regard,

Recognizing the complex character of the current global food crisis, as a combination of several major factors, both structural and conjunctural, also impacted negatively by, inter alia, environmental degradation, drought and desertification, global climate change, natural disasters and the lack of the necessary technology, and recognizing also that a strong commitment from national Governments and the international community as a whole is required to confront the major threats to food security,

1. *Acknowledges with appreciation* the report of the Special Rapporteur on the right to food (A/HRC/9/23), and takes note of his recommendations;

2. *Expresses grave concern* at the fact that the current world food crisis still seriously undermines the realization of the right to food for all, and especially for one sixth of the world population, mainly in developing and least developed countries, suffering from hunger, malnutrition and food insecurity;

3. *Encourages* States to mainstream the human rights perspective in building and reviewing their national strategies for the realization of the right to adequate food for all, which could include, inter alia, the mapping of the food insecure, the adoption of relevant legislation and policies with a right to food framework, the establishment of mechanisms to ensure accountability so that rights-holders are able to claim their right to food, and the establishment of mechanisms and processes which ensure participation of rights-holders, particularly the most vulnerable, in the design and monitoring of such legislation and policies;

4. *Also encourages* all States to invest or promote investment in agriculture and rural infrastructure in a manner that empowers the most vulnerable and affected by the current crisis in order to ensure their realization of the right to food;

5. *Calls upon* States, individually and through international cooperation and assistance, relevant multilateral institutions and other relevant stakeholders, to take all necessary measures to ensure the realization of the right to food as an essential human rights objective, and to consider reviewing any policy or measure that could have a negative impact on the realization of the right to food, particularly the right of everyone to be free from hunger, before instituting such a policy or measure;

6. *Stresses* that States have a primary obligation to make their best efforts to meet the vital food needs of their own populations, especially of vulnerable groups and households, such as by enhancing programmes to combat mother-child malnutrition, and to increase local production for this purpose, while the international community should provide, through a coordinated response and upon request, support for national and regional efforts by providing the necessary assistance for increasing food production, particularly through agricultural development assistance, the transfer of technology, food crop rehabilitation assistance and food aid, with a special focus on the gender-sensitive dimension;

7. *Encourages* all relevant international organizations and agencies to bring to their studies, research, reports and resolutions on the issue of food security a human rights perspective and the need for the realization of the right to food for all;

8. *Requests* the Special Rapporteur on the right to food to continue the promotion of the right to food and the follow-up to the current world food crisis in all relevant forums, especially in the framework of the United Nations and all the relevant international organizations and agencies of the United Nations system, in order to contribute to identifying means to implement the right to food;

9. *Also requests* the Special Rapporteur to report on the implementation of the present resolution to the Council at its twelfth session, including on the progress made and obstacles encountered in relation with the implementation at the national level of the measures and best practices adopted by States to respond to the global food crisis;

10. *Requests* the United Nations High Commissioner for Human Rights to bring the present resolution to the attention of all relevant international organizations and agencies;

11. *Decides* to remain seized of the implementation of the present resolution.

22nd meeting
24 September 2008

[Adopted without a vote.]

9/7. Human rights and indigenous peoples

The Human Rights Council,

Recalling all relevant resolutions of the Commission on Human Rights, the Economic and Social Council and the General Assembly related to indigenous issues,

Recalling also Council resolutions 6/12 of 28 September 2007 and 6/36 of 14 December 2007,

Bearing in mind that the General Assembly proclaimed, in its resolution 59/174, the Second International Decade of the World's Indigenous People,

Recalling that the Assembly adopted, in its resolution 61/295 of 13 September 2007, the United Nations Declaration on the Rights of Indigenous Peoples,

1. *Welcomes* the report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (A/HRC/9/9);

2. *Also welcomes* the report of the United Nations High Commissioner for Human Rights on indigenous issues (A/HRC/9/11);

3. *Requests* the expert mechanism on the rights of indigenous peoples to identify proposals and to suggest them by consensus to the Council, for its consideration in 2009;

4. *Also requests* the expert mechanism and the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people to assist the Preparatory Committee by undertaking a review and submitting recommendations as contributions to the outcome of the Durban Review Conference;

5. *Further requests* the expert mechanism to prepare a study on lessons learned and challenges to achieve the implementation of the right of indigenous peoples to education and to conclude it in 2009;

6. *Requests* the expert mechanism to seek input from relevant stakeholders, including from indigenous peoples' organizations, Member States, relevant international and regional organizations, the Office of the United Nations High Commissioner for Human Rights, national human rights institutions and civil society organizations, including non-governmental organizations, for the preparation of their work;

7. *Requests* the Special Rapporteur, the Permanent Forum on Indigenous Issues and the expert mechanism to continue to carry out their tasks in a coordinated manner;

8. *Suggests* that the General Assembly adjust the mandate of the United Nations Voluntary Fund for Indigenous Populations to take into account Council resolution 5/1, in particular the creation of the expert mechanism on the rights of indigenous peoples;

9. *Encourages* those States that have not yet done so to consider ratifying or acceding to the Convention concerning Indigenous and Tribal Peoples in Independent Countries of the International Labour Organization;

10. *Decides* to continue consideration of this question at a future session in conformity with its annual programme of work.

22nd meeting
24 September 2008

[Adopted without a vote.]

9/8. Effective implementation of international human rights instruments

The Human Rights Council,

Reaffirming that the full and effective implementation of United Nations human rights instruments is of major importance to the efforts of the United Nations to promote universal respect for and observance of human rights and fundamental freedoms, and that the effective functioning of human rights treaty bodies is indispensable for the full and effective implementation of such instruments,

Stressing the importance of preserving the independence of the human rights treaty bodies,

Recalling General Assembly resolution 57/202 of 18 December 2002, Commission on Human Rights resolution 2004/78 of 21 April 2004, and Council resolution 2/5 of 28 November 2006,

Welcoming the establishment of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which began its work in 2007,

Welcoming also the entry into force on 3 May 2008 of the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto, which creates a ninth human rights treaty body which will begin its work in 2009,

Acknowledging with appreciation the adoption of the International Convention on the Protection of All Persons from Enforced Disappearance by the General Assembly on 20 December 2006, and noting that, once it enters into force, it will establish an additional treaty body,

Noting the provisions in the Optional Protocol to the Convention against Torture, the Convention on the Rights of Persons with Disabilities and the International Convention on the Protection of All Persons from Enforced Disappearance, which establish a two-term limit for members of the relevant treaty bodies,

1. *Acknowledges* the important contribution of the human rights treaty bodies in furthering the effective implementation of the human rights treaties and the interpretation of the rights contained therein;

2. *Takes note with appreciation* of:

(*a*) The report of the Secretary-General on the effective implementation of international instruments on human rights (A/HRC/4/81);

(*b*) The reports of the Secretary-General containing the reports of the chairpersons of the human rights treaty bodies on their sixteenth to nineteenth meetings (A/59/254, A/60/278, A/61/385 and A/62/224), held in the period 2004-2007, and the reports of the inter-committee meetings of human rights treaty bodies annexed thereto;

3. *Welcomes* the measures taken by the human rights treaty bodies to date to improve their functioning, and encourages continuing efforts aimed at improving the effectiveness of the treaty body system with a view to a more coordinated approach to its activities and standardized reporting, including by streamlining, rationalizing, rendering more transparent and otherwise improving working methods and reporting procedures, inter alia by:

(*a*) Reducing the duplication of reporting required under the different instruments as well as the reporting burden on States parties, including through the use of the common-core document, without impairing the quality of reporting, and focused periodic reports based on the concluding observations;

(*b*) Harmonizing the general guidelines regarding the form and content of reports across all treaty bodies, including through the adoption by each treaty body of revised reporting guidelines for treaty-specific documents;

(*c*) Providing preliminary lists of issues to States in advance of consideration of reports by treaty bodies;

(*d*) Coordinating the schedule for the consideration of reports;

(*e*) Limiting the length of States parties' reports;

(*f*) Establishing improved and harmonized methods of work for the treaty bodies and harmonizing rules of procedure;

(*g*) Enhancing efforts to provide concrete and practical concluding observations addressed to States parties, taking into consideration views expressed during the constructive dialogues with them;

(*h*) Harmonizing practices relating to the publication and reporting of responses by States parties to concluding observations and comments made during the constructive dialogues with a view to enhancing transparency;

(*i*) Considering harmonizing practices for inviting comments from States and other stakeholders in the elaboration of general comments, including by publishing a single list of general comments under consideration;

(*j*) For treaty bodies dealing with individual complaints, considering further ways of improving their working methods in this regard;

(*k*) Further enhancing emphasis on implementation and follow-up;

(*l*) Taking further measures to assist States parties upon their request with their reporting obligations, and the preparation of common-core documents;

(*m*) Harmonizing efforts to consider the situations of some States parties whose reports are overdue;

(*n*) Considering the development of harmonized working methods for the exchange of credible and reliable information between the human rights treaty bodies and non-governmental organizations and national human rights institutions in all parts of the world;

(*o*) Monitoring more effectively the human rights of women in their activities, integrating a gender perspective throughout their work and assessing the effectiveness of those efforts;

4. *Welcomes* the holding of inter-committee meetings of human rights treaty bodies twice annually to discuss issues of common concern, including improving and further harmonizing the methods of work of the treaty bodies, and encourages those bodies to continue this practice;

5. *Also welcomes* the holding of regular meetings of treaty bodies with States parties, and encourages the treaty bodies to continue this practice;

6. *Further welcomes* the contribution to the work of the human rights treaty bodies made by other United Nations bodies, and encourages the specialized agencies, funds and programmes, other United Nations bodies, the various organs of the Council, including its special procedures, the Advisory Committee, the Office of the United Nations High Commissioner for Human Rights and the chairpersons of the human rights treaty bodies to continue to intensify this cooperation and improve communication and information flow to improve further the quality of their work, including by avoiding unnecessary duplication;

7. *Welcomes* the launch of the universal periodic review of the Council, which shall complement and not duplicate the work of the treaty bodies, and the potential of this mechanism to contribute to the ratification and to promote the implementation of the human rights treaties, including follow-up to the recommendations of the treaty bodies;

8. *Urges* States to:

(*a*) Consider signing and ratifying or acceding to the international human rights instruments and to consider accepting the individual communications procedures under applicable instruments if they have not already done so, and to effectively implement their obligations under instruments to which they are party;

(*b*) Make every effort to meet their reporting obligations under United Nations human rights instruments, in particular by submitting initial and overdue reports;

(*c*) Submit common-core documents, if they have not already done so, and take into consideration reporting guidelines for the common-core document and treaty-specific documents when preparing their reports;

(*d*) Provide effective follow-up to the concluding observations of the treaty bodies on their reports;

(*e*) Disseminate effectively in their territories the full text of the concluding observations of the treaty bodies on their reports;

(*f*) Consider carefully the views of the treaty bodies on individual communications relating to them and to provide adequate follow-up to such views;

(*g*) Encourage the involvement of civil society, including non-governmental organizations and other stakeholders including national human rights institutions, in the process of preparation of reports and in follow-up;

(*h*) Avail themselves, where necessary, of technical assistance for the purpose of submitting their core documents or initial reports under United Nations human rights instruments;

(*i*) When nominating their candidates to treaty bodies, consider the principle of non-accumulation of United Nations human rights mandates at a time;

9. *Expresses its appreciation* for the technical cooperation and training activities undertaken and reiterates that a priority of the Office of the United Nations High Commissioner for Human Rights should be to provide assistance to States parties, upon their request and, if possible, in coordination with other United Nations bodies, Governments and other interested parties, in order to assist States:

(*a*) In the process of ratifying United Nations human rights instruments;

(*b*) With the implementation of their obligations under such instruments, including the preparation of their core documents and initial reports;

(*c*) In following up on concluding observations, inter alia, by identifying specific possibilities for technical assistance which may facilitate such follow-up;

10. *Encourages* the human rights treaty bodies to continue to identify specific possibilities for technical assistance, to be provided by the Office of the United Nations High Commissioner for Human Rights at the request of the State concerned, in the regular course of their work of reviewing the periodic reports of States parties, and encourages States parties to consider carefully the concluding observations of the treaty bodies in identifying their needs for technical assistance;

11. *Welcomes* the availability of documentation regarding the treaty bodies on the website of the Office of the United Nations High Commissioner for Human Rights, and the electronic distribution of concluding observations, general comments and views issued by the treaty bodies, and encourages the Office to continue to enhance its use of modern technologies, such as webcasts, with a view to strengthening the treaty body system and its visibility and making it more accessible to the public, including persons with disabilities, and making more efficient use of existing resources, including through harmonizing the treaty body websites and providing the option to States of submitting and receiving electronic copies of documentation rather than hard copies;

12. *Emphasizes* the need to ensure financing and adequate staff and information resources for the operations of the human rights treaty bodies, in particular in view of the additional demands placed on the system by the creation of new treaty bodies and their mandates, new reporting requirements, the increasing number of ratifications and enhanced reporting by States and, with this in mind, reiterates its request that the Secretary-General provide adequate resources in respect of each treaty body while making the most efficient use of existing resources, in order to give the human rights treaty bodies adequate administrative support and better access to technical and legal expertise and relevant information;

13. *Requests* the Secretary-General to report to the Council annually, in accordance with its programme of work, on measures taken to implement the present resolution and on obstacles to its implementation, including recommendations for further improving the effectiveness of, harmonizing, and reforming the treaty body system, and to seek the views of States and other stakeholders in this regard;

14. *Decides* to consider this question annually in accordance with its programme of work under the same agenda item.

22nd meeting
24 September 2008

[Adopted without a vote.]

9/9. Protection of the human rights of civilians in armed conflict

The Human Rights Council,

Guided by the Charter of the United Nations and the Universal Declaration of Human Rights,

Recalling the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Prevention and Punishment of the Crime of Genocide, the Geneva Conventions of 12 August 1949, the Additional Protocols thereto of 8 June 1977, other international human rights law and international humanitarian law instruments, and the Vienna Declaration and Programme of Action,

Bearing in mind General Assembly resolution 60/251 of 15 March 2006, in which the Assembly states that the Human Rights Council shall be responsible for promoting universal respect for the protection of all human rights and fundamental freedoms for all, without distinction of any kind and in fair and equal manner,

Recalling resolution 2005/63 of 20 April 2005 of the Commission on Human Rights, and taking note of decision 2006/21 of 24 August 2006 adopted by the Subcommission on the Promotion and Protection of Human Rights at its final session,

Acknowledging that human rights law and international humanitarian law are complementary and mutually reinforcing,

Gravely concerned at violations of human rights law and international humanitarian law during armed conflicts, wherever they occur, and their impact on the civilian population, especially women, children and vulnerable groups,

Reiterating that effective measures to guarantee and monitor the implementation of human rights should be taken in respect of civilian populations in situations of armed conflict, including people under foreign occupation, and that effective protection against violations of their human rights should be provided, in accordance with international human rights law and applicable international humanitarian law, particularly Geneva Convention IV relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and other applicable international instruments,

Emphasizing that States parties to the Geneva Conventions of 1949 have undertaken to respect and ensure respect for these Conventions in all circumstances,

Considering that all human rights require protection equally and that the protection provided by human rights law continues in armed conflict situations, taking into account when international humanitarian law applies as a *lex specialis*,

Recalling that, in accordance with article 4 of the International Covenant on Civil and Political Rights, certain rights are recognized as non-derogable in all circumstances and that any measures derogating from the provisions of the Covenant must be in accordance with its article 4 in all cases, and underlining the exceptional and temporary nature of any such derogations,

1. *Emphasizes* that conduct that violates international humanitarian law, including grave breaches of the Geneva Conventions of 12 August 1949, or of the Protocol Additional thereto of 8 June 1977 relating to the Protection of Victims of International Armed Conflicts (Protocol I), may also constitute a gross violation of human rights;

2. *Expresses its deep concern* at the violations of human rights during armed conflicts and of international humanitarian law, which undermines the protection of human rights of civilians in armed conflicts;

3. *Calls upon* all States to respect the human rights of civilians in armed conflicts;

4. *Stresses* the importance of combating impunity in order to prevent violations of international human rights law and international humanitarian law perpetrated against civilians in armed conflicts, and urges States, in accordance with their international obligations, to bring perpetrators of such crimes to justice;

5. *Invites* the international community to support regional efforts aimed at the protection of civilians in armed conflicts;

6. *Resolves* to address, in accordance with its mandate established by the General Assembly in its resolution 60/251, systematic and gross violations of the human rights of civilians in armed conflicts, and calls upon States involved in such conflicts to facilitate the work of any mechanism that the Council may decide to establish, as and where appropriate, in response to such violations;

7. *Requests* relevant special procedures and the Human Rights Council Advisory Committee, and invites human rights treaty bodies, within their respective mandates, to continue to address the relevant aspects of the protection of human rights of civilians in armed conflicts in their work;

8. *Invites* the Office of the High Commissioner for Human Rights to convene, within existing resources, an expert consultation, open to the participation of Governments, regional organizations, relevant United Nations bodies and civil society organizations, and in consultation with the International Committee of the Red Cross, on the issue of protecting the human rights of civilians in armed conflict, and requests the Office of the High Commissioner for Human Rights to report on the outcome of this consultation, in the form of a summary of discussions on the above-mentioned issue, to the Council at its eleventh session;

9. *Decides* to continue consideration of this question at its eleventh session under the same agenda item on the basis of the outcome of the consultation referred to in paragraph 8 above, with a view to consider requesting the Advisory Committee, while taking into account the work of the Subcommission on the Promotion and Protection of Human Rights on this subject, to elaborate a study with potential recommendations on the protection of the human rights of civilians in armed conflict.

22nd meeting
24 September 2008

[Adopted without a vote.]

9/10. Human rights and transitional justice

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights, the Geneva Conventions of 12 August 1949 and the Protocols Additional thereto of 8 June 1977, other relevant international human rights law and international humanitarian law instruments and the Vienna Declaration and Programme of Action,

Recalling previous resolutions of the Commission on Human Rights on human rights and transitional justice (2005/70), impunity (2005/81) and the right to the truth (2005/66), General Assembly resolution 60/147 on the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law as well as Council decisions 4/102 on transitional justice and 2/105 on the right to the truth,

Recalling also the report of the Secretary-General on the rule of law and transitional justice in conflict and post-conflict societies (S/2004/616), including relevant recommendations contained therein, and the report of the Secretary-General entitled "Uniting our strengths: Enhancing United Nations support for the rule of law" (A/61/636-S/2006/980), which designates the Office of the United Nations High Commissioner for Human Rights as the lead entity within the United Nations system on, inter alia, transitional justice,

Recalling further the set of principles for the protection and promotion of human rights through action to combat impunity (E/CN.4/Sub.2/1997/20/Rev.1, annex II) and taking note with appreciation of the updated version of those principles (E/CN.4/2005/102/Add.1), as well as the report of the Commission on Human Rights on the independence of the judiciary, administration of justice and impunity (E/CN.4/2006/52),

Recalling Security Council resolution 1325 (2000) on women, peace and security and recognizing women's contributions to conflict resolution and sustainable peace,

Welcoming the role of the Peacebuilding Commission in this regard, and recalling the necessity for the Commission to intensify its efforts, within its mandate, in cooperation with national and transitional Governments and in consultation with the relevant United Nations entities, to incorporate human rights, when advising on or proposing country-specific peacebuilding strategies for post-conflict situations in cases under consideration, where applicable,

Recognizing the role of the International Criminal Court in a multilateral system that aims to end impunity, establish the rule of law, promote and encourage respect for human rights and achieve sustainable peace, in accordance with international law and the purposes and principles of the Charter,

Welcoming the activities of the United Nations, including through its field presences, in assisting States to design, establish and implement transitional justice mechanisms and promote the rule of law as well as its conceptual and analytical work on transitional justice and human rights,

Welcoming also the increased integration of a human rights perspective, including through activities of the Office of the United Nations High Commissioner for Human Rights in cooperation with other relevant parts of the United Nations system, in the United Nations activities related to transitional justice, as well as the importance given to the rule of law and transitional justice by the High Commissioner for Human Rights and her Office, including its Rule of Law and Democracy Unit,

Stressing that the full range of civil, cultural, economic, political and social rights should be taken into account in any transitional justice context, in order to promote, inter alia, the rule of law and accountability,

1. *Welcomes* the study on human rights and transitional justice activities undertaken by the human rights components of the United Nations system (E/CN.4/2006/93) and the progress report on human rights and transitional justice (A/HRC/4/87);

2. *Underlines* the importance and urgency of national and international efforts to restore justice and the rule of law in conflict and post-conflict situations and, where relevant, in the context of transitional processes;

3. *Emphasizes* the importance of a comprehensive approach to transitional justice, incorporating the full range of judicial and non-judicial measures, including, among others, individual prosecutions, reparations, truth-seeking, institutional reform, vetting of public employees and officials, or an appropriately conceived combination thereof, in order to,

inter alia, ensure accountability, serve justice, provide remedies to victims, promote healing and reconciliation, establish independent oversight of the security system and restore confidence in the institutions of the State and promote the rule of law in accordance with international human rights law;

4. *Also emphasizes* that justice, peace, democracy and development are mutually reinforcing imperatives;

5. *Stresses* the importance of a comprehensive process of national consultation, particularly with those affected by human rights violations in contributing to a holistic transitional justice strategy that takes into account the particular circumstances of every situation and in conformity with human rights;

6. *Underlines* the importance of giving vulnerable groups, including those marginalized for political, socio-economic or other reasons, a voice in these processes and to ensure that discrimination and the root causes of conflict are addressed;

7. *Recognizes* the important role played in the realization of transitional justice goals and in the reconstruction of the society, as well as in the promotion of the rule of law and accountability, by:

(*a*) Victims' associations, human rights defenders and other actors of civil society, as well as national human rights institutions created in conformity with the Paris Principles;

(*b*) Women's organizations in the design, establishment and implementation of transitional justice mechanisms, so as to ensure that women are represented in their structures and that a gender perspective is reflected in their mandates and work;

(*c*) Free and independent media in informing the public about the human rights dimension in the area of transitional justice mechanisms locally, nationally and internationally;

8. *Emphasizes* the need to provide gender-sensitive human rights training in the context of transitional justice to all relevant national actors, including police, military, intelligence and security services, prosecution staff and members of the judiciary, in dealing with victims of human rights violations, particularly women and girls;

9. *Underlines* the need for the rights of both victims and accused persons to be respected, in accordance with international standards, with particular attention paid to those most affected by conflicts and the breakdown of the rule of law, among them women, children, migrants, refugees, persons with disabilities and persons belonging to minorities and indigenous peoples, and to ensure that specific measures are taken for their free participation and protection and for the sustainable return of refugees and internally displaced persons in safety and dignity;

10. *Calls upon* States to assist the United Nations in its ongoing work on the relevant recommendations of the report of the Secretary-General on the rule of law and transitional justice in conflict and post-conflict societies (S/2004/616) and the one entitled "Uniting our strengths: Enhancing United Nations support for the rule of law" (S/2006/980), including by incorporating international human rights law, principles and best practices into the development

and implementation of transitional justice mechanisms and by cooperating fully with United Nations field presences in the area of human rights and transitional justice and by facilitating the work of relevant special procedures;

11. *Cails upon* the international community and regional organizations to assist countries, who so consent, in the context of transitional justice, to ensure the promotion and protection of human rights and to incorporate best practices into the development and implementation of transitional justice mechanisms;

12. *Requests* the Office of the United Nations High Commissioner for Human Rights to continue to enhance its leading role, including with regard to conceptual and analytical work regarding transitional justice, and to assist States to design, establish and implement transitional justice mechanisms from a human rights perspective, while stressing the importance of close cooperation between the Office of the High Commissioner and other relevant parts of the United Nations as well as other international and non-governmental organizations with regard to incorporating human rights and best practices into the development and implementation of transitional justice mechanisms and to the ongoing process of strengthening the United Nations system in the area of the rule of law and transitional justice;

13. *Also requests* the Office of the High Commissioner to submit, in consultation with other parts of the United Nations system, civil society and other stakeholders, an analytical study on human rights and transitional justice which contains an overview of activities undertaken by the United Nations human rights system, including the human rights components of peace missions, an analysis of the work accomplished, a compilation of lessons learned and best practices, an assessment of overall needs, as well as conclusions and recommendations, with a view to assisting countries in the context of transitional justice, as well as an inventory of human rights and transitional justice aspects in recent peace agreements;

14. *Requests* other parts of the United Nations system to cooperate fully with the Office of the High Commissioner in the area of human rights and transitional justice;

15. *Decides* to continue its consideration of this matter at its twelfth session or at the corresponding session in conformity with its annual programme of work.

22nd meeting
24 September 2008

[Adopted without a vote.]

9/11. Right to the truth

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Geneva Conventions of 12 August 1949 and the Protocols Additional thereto of 1977, and other relevant instruments of international human rights law and international humanitarian law, as well as the Vienna Declaration and Programme of Action,

Recognizing the universality, indivisibility, interdependence and interrelatedness of civil, political, economic, social and cultural rights,

Recalling article 32 of Additional Protocol I to the Geneva Conventions of 12 August 1949 and Relating to the Protection of Victims of International Armed Conflicts, which recognizes the right of families to know the fate of their relatives,

Recalling also that article 33 of Additional Protocol I provides that the parties to an armed conflict shall search for the persons who have been reported missing, as soon as circumstances permit,

Recalling further the International Convention for the Protection of All Persons from Enforced Disappearance, adopted by the General Assembly in its resolution 61/177, in which article 24 (2) sets out the right of victims to know the truth regarding the circumstances of the enforced disappearance, the progress and results of the investigation and the fate of the disappeared person, and sets forth State party obligations to take appropriate measures in this regard, and the preamble reaffirms the right to freedom to seek, receive and impart information to that end,

Taking into account resolution 2005/66 of the Commission on Human Rights and Council decision 2/105 on the right to the truth,

Acknowledging the reports of the Office of the United Nations High Commissioner for Human Rights on the right to the truth (E/CN.4/2006/91, A/HRC/5/7) and its significant conclusions related to the right to know the truth about gross violations of human rights and serious violations of international humanitarian law,

Stressing that adequate steps to identify victims should also be taken in situations not amounting to armed conflict, especially in cases of massive or systematic violations of human rights,

Recalling the set of principles for the protection and promotion of human rights through action to combat impunity (E/CN.4/Sub.2/1997/20/Rev.1, annex II) and taking note with appreciation of the updated version of those principles (E/CN.4/2005/102/Add.1),

Noting that the Human Rights Committee[1] and the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1999/62) have recognized the right of the victims of gross violations of human rights and the right of their relatives to the truth about the events that have taken place, including the identification of the perpetrators of the facts that gave rise to such violations,

Acknowledging, in cases of gross violations of human rights and serious violations of international humanitarian law, the need to study the interrelationship between the right to the truth and the right to access to justice, the right to obtain effective remedy and reparation, and other relevant human rights,

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[1] *Official Records of the General Assembly, Fifty-first Session, Supplement No. 40* (A/51/40).

Stressing the importance for the international community to endeavour to recognize the right of victims of gross violations of human rights and serious violations of international humanitarian law, and their families and society as a whole, to know the truth regarding such violations, to the fullest extent practicable, in particular, the identity of the perpetrators, the causes and facts of such violations, and the circumstances under which they occurred,

Stressing also that it is important for States to provide appropriate and effective mechanisms for society as a whole and, in particular, for relatives of the victims, to know the truth regarding gross violations of human rights and serious violations of international humanitarian law,

Recalling that a specific right to the truth may be characterized differently in some legal systems as the right to know or the right to be informed or freedom of information,

Emphasizing that the public and individuals are entitled to have access, to the fullest extent practicable, to information regarding the actions and decision-making processes of their Government, within the framework of each State's domestic legal system,

Convinced that States should preserve archives and other evidence concerning gross violations of human rights and serious violations of international humanitarian law to facilitate knowledge of such violations, to investigate allegations and to provide victims with access to an effective remedy in accordance with international law,

1. *Recognizes* the importance of respecting and ensuring the right to the truth so as to contribute to ending impunity and to promote and protect human rights;

2. *Welcomes* the establishment in several States of specific judicial mechanisms and other non-judicial mechanisms such as truth and reconciliation commissions, that complement the justice system, to investigate violations of human rights and violations of international humanitarian law, and appreciates the elaboration and publication of the reports and decisions of these bodies;

3. *Encourages* the States concerned to disseminate, implement and monitor implementation of the recommendations of non-judicial mechanisms such as truth and reconciliation commissions, and provide information regarding compliance with the decisions of judicial mechanisms;

4. *Encourages* other States to consider establishing specific judicial mechanisms and, where appropriate, truth and reconciliation commissions to complement the justice system, to investigate and address gross violations of human rights and serious violations of international humanitarian law;

5. *Encourages* States to provide requesting States the necessary and appropriate assistance regarding the right to the truth by means of, among other actions, technical cooperation and exchange of information concerning administrative, legislative and judicial and non-judicial measures, as well as experiences and best practices that have as a purpose the protection, promotion and implementation of this right;

6. *Encourages* all States that have not done so to consider signing, ratifying or acceding to the International Convention for the Protection of All Persons from Enforced Disappearance;

7. *Requests* the Office of the United Nations High Commissioner for Human Rights to prepare a comprehensive study, to be presented to the Council at its twelfth session, on best practices for the effective implementation of this right, including, in particular, practices relating to archives and records concerning gross violations of human rights with a view to create guidelines on protecting archives and records concerning gross human rights violations, and programmes for the protection of witnesses and other persons involved in trials connected with such violations;

8. *Also requests* the Office of the High Commissioner to prepare a report, to be presented to the Council at its fifteenth session, on the use of forensic experts in case of gross violations of human rights with a view to identifying trends and best practices in this regard;

9. *Decides* to convene a panel to discuss issues related to the present resolution at its thirteenth session;

10. *Invites* special rapporteurs and other mechanisms of the Council, in the framework of their mandates, to take into account, as appropriate, the issue of the right to the truth;

11. *Decides* to consider this matter at its twelfth session under the same agenda item or at the corresponding session in conformity with its annual programme of work.

22nd meeting
24 September 2008

[Adopted without a vote.]

9/12. Human rights voluntary goals

The Human Rights Council,

Guided by the purposes, principles and provisions of the Charter of the United Nations,

Reaffirming the provisions and the paramount role of the Universal Declaration of Human Rights, the sixtieth anniversary of which is celebrated in 2008, in providing the basis for the development of laws and mechanisms to promote and protect human rights, both nationally and internationally,

Reaffirming also the provisions and the decisive importance of the Vienna Declaration and Programme of Action, the fifteenth anniversary of which is celebrated in 2008, which recognizes that all human rights are universal, indivisible, interdependent and interrelated,

Recognizing the importance of the core international human rights instruments,

Recognizing also the relevance of the optional protocols to the core international human rights instruments,

Taking note with appreciation of the broad support for the initiative to elaborate a set of human rights voluntary goals, inspired by the Millennium Development Goals, which led to the adoption, by consensus, of Council resolution 6/26,

Welcoming the open-ended intergovernmental process initiated by the Council in its resolution 6/26, with special attention to the high-level panel on human rights voluntary goals held at the seventh session of the Council, in order to elaborate, on a consensual basis, a set of human rights voluntary goals to promote the realization and implementation of the Universal Declaration of Human Rights in accordance with States' international human rights obligations and commitments, to be launched on 10 December 2008 during the celebrations of the sixtieth anniversary of the Declaration,

Taking into account the fact that the above-mentioned initiative could bring more visibility and public awareness to the United Nations human rights system with a view to the promotion and protection of all human rights,

Recognizing the universal periodic review mechanism as an important instrument for the promotion and protection of human rights and, inter alia, for fostering international cooperation and facilitating the exchange of information on best practices in this regard,

Emphasizing that such human rights voluntary goals are to be regarded as reinforcing and by no means as replacing, either totally or partially, existing human rights obligations and commitments, including the implementation of the Universal Declaration of Human Rights,

1. *Encourages* States to accomplish progressively the following set of human rights voluntary goals:

(*a*) Universal ratification of the core international human rights instruments and dedication of all efforts towards the universalization of the international human rights obligations of States;

(*b*) Strengthening of the legal, institutional and policy framework at the national level in order to ensure the promotion and protection of all human rights;

(*c*) Establishment of human rights national institutions guided by the Paris Principles and the Vienna Declaration and Programme of Action with appropriate funding to fulfil their mandates;

(*d*) Elaboration of national human rights programmes and plans of action to strengthen the capacity of States to promote and protect human rights;

(*e*) Definition and implementation of national programmes of action that promote the realization of the rights and goals set forth in the Universal Declaration of Human Rights to, inter alia, eliminate discrimination of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, and all forms of violence against, inter alia, women, children, indigenous populations, migrants and persons with disabilities;

(*f*) Adoption and implementation of programmes of human rights education, such as the World Programme for Human Rights Education, in all learning institutions, including capacity-building programmes for law enforcement professionals, in order to advance a culture of respect for human rights;

(*g*) Increasing cooperation with all mechanisms of the United Nations human rights system, including special procedures and treaty bodies;

(*h*) Strengthening of mechanisms to facilitate international cooperation in the field of human rights by, inter alia, identifying areas to which international cooperation might be offered and received, in accordance with national priorities;

(*i*) Creation of favourable conditions at the national, regional and international levels to ensure the full and effective enjoyment of all human rights, including the right to development;

(*j*) Strengthening the capacity to fight hunger and poverty through, inter alia, the continuation of efforts aimed at identifying additional forms of international cooperation in this regard;

2. *Invites* States, if they deem it appropriate and where relevant, to report on the progressive implementation of the human rights voluntary goals within the United Nations human rights system in, inter alia, the context of their review under the universal periodic review mechanism;

3. *Requests* States to disseminate and promote the Universal Declaration of Human Rights as widely as possible;

4. *Reinforces* the invitation to States and all relevant stakeholders to submit to the Council the projects and activities undertaken at the national, regional and international levels on the occasion of the sixtieth anniversary of the Universal Declaration of Human Rights;

5. *Invites* States to report on the status of the implementation of these human rights voluntary goals on the occasion of the seventieth anniversary of the Universal Declaration of Human Rights;

6. *Welcomes* its initiative to convene a commemorative session of the sixtieth anniversary of the Universal Declaration of Human Rights and to seize that opportunity to launch the human rights voluntary goals.

22nd meeting
24 September 2008

[Adopted without a vote.]

9/13. Draft United Nations guidelines for the appropriate use and conditions of alternative care for children

The Human Rights Council,

Reaffirming the Universal Declaration of Human Rights and the Convention on the Rights of the Child, which stipulates, inter alia, that in all actions concerning children, the best interests of the child shall be a primary consideration,

Recalling and welcoming the international discussion launched in 2004 by the Committee on the Rights of the Child on the subject of children deprived of parental care,

Recalling also and welcoming the initiative of the Committee on the Rights of the Child which, in 2005, devoted its annual day of general discussion to the issue of children deprived of parental care,

Recalling further and welcoming the recommendation of the Committee on the Rights of the Child that the international community should engage in the preparation of guidelines on alternative care, to be considered and adopted by the General Assembly,

Recalling the intergovernmental meeting of experts to review the draft United Nations guidelines for the protection of children without parental care, held in Brasilia, in August 2006, based on the initial draft produced by experts and followed by the Committee on the Rights of the Child, and recognizing the importance of that meeting for the process,

Recalling also and welcoming the discussions held by the Council, which included joint statements by the Group of Friends, UNICEF and civil society representatives at its sixth session, resolution 7/29 adopted by consensus at its seventh session, and the high-level panel with broad participation held during the eighth session of the Council,

Recalling resolution 60/251 of the General Assembly, in which the Assembly established the Council as the body responsible for promoting universal respect for the protection of all human rights and fundamental freedoms for all,

Reaffirming the importance of the protection, well-being and rights of children who are in need of alternative care or who are at risk of becoming so, as recognized by the General Assembly in its resolution 62/141,

Reaffirming also paragraph 20 of resolution 7/29, in which the Council encourages the advancement of the draft United Nations guidelines for the appropriate use and conditions of alternative care for children,

1. *Takes note* of the draft United Nations guidelines for the appropriate use and conditions of alternative care for children;

2. *Requests* the United Nations High Commissioner for Human Rights to assist in raising awareness by circulating immediately the draft United Nations guidelines with a view to give full knowledge of it to all members and observers of the Council;

3. *Invites* States to dedicate all their efforts, in a transparent process, with a view to taking possible action on the draft United Nations guidelines at its tenth session.

22nd meeting
24 September 2008

[Adopted without a vote.]

9/14. Mandate of the Working Group of Experts on People of African Descent

The Human Rights Council,

Recalling resolutions 2002/68 of 25 April 2002 and 2003/30 of 23 April 2003 of the Commission on Human Rights,

Bearing in mind paragraph 6 of General Assembly resolution 60/251 of 15 March 2006,

Reaffirming the relevant international human rights instruments, in particular the International Convention on the Elimination of All Forms of Racial Discrimination, proclaimed by the General Assembly in its resolution 2106 (XX) of 20 December 1965, and stressing the importance of their full implementation,

Recalling Council resolutions 5/1 on the institution-building of the Human Rights Council and 5/2 on the code of conduct for special procedures mandate-holders of the Council of 18 June 2007, and stressing that the mandate-holder shall discharge his/her duties in accordance with those resolutions and the annexes thereto,

Underlining the importance of the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, which constitutes a solid foundation for the elimination of all scourges and manifestations of racism, racial discrimination, xenophobia and related intolerance,

Recognizing that the successful implementation of the Programme of Action requires political will and adequate funding at the national, regional and international levels and international cooperation,

Acknowledging the significant role played by the Durban Declaration and Programme of Action follow-up mechanisms and stressing the importance of creating the necessary synergies between them and of avoiding duplication and overlapping,

1. *Welcomes and acknowledges* the importance and significance of the work of the Working Group of Experts on People of African Descent in examining the current situation and conditions and the extent of racism against Africans and people of African descent;

2. *Urges* consideration of the recommendations of the Durban Declaration and Programme of Action follow-up mechanisms contained in General Assembly and Council resolutions;

3. *Recommends* that States take measures to ensure adequate representation of people of African descent in the judiciary and other areas of the justice system, without prejudice to the principle of meritocracy, and calls upon States to identify factors that have resulted in the disproportionate number of arrests, sentencing and incarceration of Africans and people of African descent, particularly young men, and to take immediate and appropriate measures to eliminate those factors and to adopt crime-prevention strategies and programmes that include alternatives to incarceration;

4. *Emphasizes* the need to establish methods by which disaggregated information may be collected effectively on health, education, access to housing, employment, treatment in the criminal justice system, political participation and representation, with regard to, inter alia, Africans and people of African descent, and that such information provide the basis for the creation and monitoring of policies and practices that address any discrimination found;

5. *Also emphasizes* the importance of collecting disaggregated information and urges the Office of the United Nations High Commissioner for Human Rights to provide support to the States that request it for the collection of such information;

6. *Underscores* the importance that States and international and regional organizations ensure that existing mechanisms for complaints for discrimination are accessible to Africans and people of African descent;

7. *Requests* the Office of the High Commissioner to compile a series of best practices in areas such as access to housing, education, health, employment and institutional and legal frameworks pertaining to Africans and people of African descent;

8. *Decides* to extend the mandate of the Working Group on People of African Descent for three years with the following mandate, to meet for two sessions of five working days each in closed and public meetings:

(*a*) To study the problems of racial discrimination faced by people of African descent living in the diaspora and, to that end, gather all relevant information from Governments, non-governmental organizations and other relevant sources, including through the holding of public meetings with them;

(*b*) To propose measures to ensure full and effective access to the justice system by people of African descent;

(*c*) To submit recommendations on the design, implementation and enforcement of effective measures to eliminate racial profiling of people of African descent;

(*d*) To make proposals on the elimination of racial discrimination against Africans and people of African descent in all parts of the world;

(*e*) To address all the issues concerning the well-being of Africans and people of African descent contained in the Durban Declaration and Programme of Action;

(*f*) To elaborate short-, medium- and long-term proposals for the elimination of racial discrimination against people of African descent, bearing in mind the need for close collaboration with international and development institutions and the specialized agencies of the United Nations system to promote the human rights of people of African descent through, inter alia, the following activities:

(i) Improving the human rights situation of people of African descent by devoting special attention to their needs through, inter alia, the preparation of specific programmes of action;

(ii) Designing special projects, in collaboration with people of African descent, to support their initiatives at the community level and to facilitate the exchange of information and technical know-how between these populations and experts in these areas;

(iii) Liaising with financial and developmental institutional and operational programmes and specialized agencies of the United Nations, with a view to contribute to the development programmes intended for people of African descent by allocating additional investments to health systems, education, housing, electricity, drinking water and environmental control measures and promoting equal opportunities in employment, as well as other affirmative or positive measures and strategies within the human rights framework;

9. *Requests* the Working Group to submit reports on progress in the elaboration of its mandate to the Council;

10. *Urges* the United Nations High Commissioner for Human Rights to take measures within the framework of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, including by highlighting the plight of victims and initiating consultations with various international sporting and other organizations, enabling them to contribute to the struggle against racism and racial discrimination;

11. *Requests* States, non-governmental organizations, relevant human rights treaty bodies, special procedures and other mechanisms of the commissions, national institutions, international, financial and development institutions, and specialized agencies, programmes and funds of the United Nations to collaborate with the Working Group by providing it with the necessary information and, where possible, reports in order to enable the Working Group to carry out its mandate;

12. *Stresses* the need to ensure adequate financial and human resources, including through the regular budget of the United Nations, for the Office of the High Commissioner to carry out its responsibilities efficiently in the implementation of the Durban Declaration and Programme of Action;

13. *Recalls* the establishment of a voluntary fund to provide additional resources for, inter alia, the participation of people of African descent, representatives of developing countries, especially the least developed countries, non-governmental organizations and experts, in the open-ended sessions of the Working Group, and invites States to contribute to that fund.

22nd meeting
24 September 2008

[Adopted without a vote.]

9/15. Advisory services and technical assistance for Cambodia

The Human Rights Council,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as enshrined in the Charter of the United Nations, as reaffirmed in the Universal Declaration of Human Rights, and in accordance with their respective obligations under the International Covenants on Human Rights and other applicable human rights instruments,

Recalling General Assembly resolution 60/251 of 15 March 2006,

Recalling also Council resolutions 5/1 on institution-building of the Human Rights Council and 5/2 on a code of conduct for special procedures mandate-holders of the Human Rights Council of 18 June 2007, and stressing that the mandate-holder shall discharge his/her duties in accordance with those resolutions and the annexes thereto,

Bearing in mind Commission on Human Rights resolution 2005/77 of 20 April 2005,

Bearing in mind also the report by the Special Representative of the Secretary-General for human rights in Cambodia (A/HRC/7/42) and the recommendations contained therein and the report of the Secretary-General on the role and achievements of the Office of the United Nations High Commissioner for Human Rights in assisting the Government and people of Cambodia in the promotion and protection of human rights (A/HRC/7/56),

Recognizing that the tragic history of Cambodia requires special measures to ensure the protection of human rights and the non-return to the policies and practices of the past, as stipulated in the Agreement on a Comprehensive Political Settlement of the Cambodia Conflict, signed in Paris on 23 October 1991,

Taking note of the new developments in Cambodia, especially, those associated with recent progress and efforts by the Government of Cambodia to promote and protect human rights, especially in the achievements and improvements of social, economic, political and cultural fields over recent years through its relevant national plans, strategies and frameworks,

I. KHMER ROUGE TRIBUNAL

1. *Reaffirms* the importance of the Extraordinary Chambers in the Courts of Cambodia, which aims to bring justice for the most serious cases of violations of human rights committed

during the Khmer Rouge era and believes it will significantly contribute to eradicating impunity and establishing the rule of law, inter alia, by exploiting its potential as a model court of Cambodia;

2. *Welcomes* the progress made with regard to the Extraordinary Chambers in the Courts of Cambodia, including the detention in 2007 of the five main suspects and the submission of the first closing order on 8 August 2008, and supports the positions of the Government of Cambodia and the United Nations to proceed with the tribunal in a fair, efficient and expeditious manner given the advanced age and frail health of the persons charged and the long overdue justice for the people of Cambodia;

3. *Also welcomes* the assistance of a number of States to the Extraordinary Chambers in the Courts of Cambodia and, noting the revised budget estimate endorsed on 17 July 2008, encourages the Government of Cambodia to work with the United Nations and States providing assistance to ensure the highest standards of administration of the Extraordinary Chambers, and invites further assistance for the Extraordinary Chambers in a prompt manner in order to ensure its successful functioning;

II. DEMOCRACY AND SITUATION OF HUMAN RIGHTS

4. *Welcomes*:

(*a*) The efforts and progress made by the Government of Cambodia in promoting legal and judicial reform under the leadership of the Council of Legal and Judicial Reform, including adopting and/or enforcing basic laws such as the civil procedure code, the criminal procedure code and the civil code;

(*b*) The efforts made by the Government of Cambodia in combating corruption, including the drafting of an anti-corruption law and efforts to bring corrupt officials to justice;

(*c*) The efforts made by the Government of Cambodia in combating trafficking in persons, including the creation of a national anti-trafficking task force in April 2007, increased law enforcement action against traffickers and complicit officials, and the promulgation of a new law on the suppression of human trafficking and commercial sexual exploitation in February 2008;

(*d*) The efforts made by the Government of Cambodia to resolve land issues through the implementation of land reform, in particular through the successful expansion of land demarcation and titling programmes;

(*e*) The commitment of the Government of Cambodia to adhere to and implement the international human rights conventions, inter alia, the one made by Prime Minister Samdech Hun Sen on the occasion of the opening of the eighth informal Asia-Europe Meeting seminar on human rights, held in Siem Reap in September 2007, which included reference to the planned establishment of a national human rights institution;

(*f*) The efforts made by the Cambodian Human Rights Committee, especially in resolving complaints from people, improving the situation of prisons and intervening in prolonged pretrial detentions;

(*g*) The adherence by the Government of Cambodia to international human rights treaties, including the ratification of the Optional Protocol to the Convention against Torture, in March 2007, the accession to the United Nations Convention against Corruption, in September 2007, and the signing of the Convention on the Rights of Persons with Disabilities and its Optional Protocol, in October 2007;

(*h*) The renewal of the memorandum of understanding between the Government of Cambodia and the Office of the United Nations High Commissioner for Human Rights for the implementation of a technical cooperation programme on human rights in November 2007, and encourages both parties to cooperate constructively with each other for further improvement of the situation of human rights;

(*i*) The good administration and generally peaceful conclusion of the general elections held in July 2008, which demonstrated the continued development of the democratic process in Cambodia, while noting that there remain shortcomings about the conduct of the election process and recognizing the need to strengthen further the enforcement capacity of the national election committee;

(*j*) The efforts and progress made by the Government of Cambodia in promoting decentralization and deconcentration reform with the aim of achieving democratic development by strengthening subnational and grassroots institutions, including the local elections at provincial/municipal and district/sangkat levels planned for 2009;

5. *Expresses its concern* about some areas of human rights practices in Cambodia and urges the Government of Cambodia:

(*a*) To continue to strengthen its efforts to establish the rule of law, including through the adoption and implementation of essential laws and codes for establishing a democratic society, and its efforts at judicial reform, especially to ensure the independence, impartiality, transparency and effectiveness of the judicial system as a whole;

(*b*) To enhance its efforts to combat corruption, particularly by early enactment of an anti-corruption law and its implementation;

(*c*) To continue to address, as a matter of priority, inter alia, the problem of impunity, and to enhance its efforts to investigate urgently and to prosecute, in accordance with due process of law and international human rights standards, all those who have perpetrated serious crimes, including violations of human rights;

(*d*) To enhance its efforts to resolve equitably and expeditiously land ownership issues in a fair and open manner in accordance with the 2001 Land Law, by strengthening the capacity and effectiveness of relevant institutions such as the National Authority for Land Dispute Resolution and Cadastral Committees at the national, provincial and district levels;

(*e*) To continue to create an environment conducive to the conduct of legitimate political activity and to support the role of non-governmental organizations in order to solidify democratic development in Cambodia;

(*f*) To continue its efforts to improve human rights, especially those of women and children, and to make additional efforts, in concert with the international community, to combat key problems such as human trafficking, issues related to poverty, sexual violence, domestic violence and sexual exploitation of women and children;

(*g*) To take all steps to meet its obligations under international human rights instruments and to further strengthen its cooperation with United Nations agencies, including the Office of the United Nations High Commissioner for Human Rights, including through enhanced dialogues and development of joint activities;

(*h*) To continue to promote the rights and dignity of all Cambodians by providing political, economic and social freedom through the continuous and enhanced implementation of its rectangular strategy and various reform programmes;

III. CONCLUSION

6. *Invites* the Secretary-General, agencies of the United Nations system present in Cambodia and the international community, including non-governmental organizations, to continue to work with the Government of Cambodia in improving democracy as well as ensuring the protection and promotion of the human rights of all people in Cambodia, including by providing assistance, inter alia, in the fields of:

(*a*) Drafting various laws necessary for protecting and promoting human rights;

(*b*) Capacity-building to strengthen legal institutions, including by improving the quality of judges, prosecutors, lawyers and court staff;

(*c*) Capacity-building to strengthen national institutions for criminal investigation and law enforcement as well as providing equipment necessary for these ends;

(*d*) Assisting assessment of progress in human rights issues;

7. *Encourages* the Government of Cambodia and the international community to provide all the necessary assistance to the Extraordinary Chambers in the Courts of Cambodia to bring justice for the most serious cases of violations of human rights in the country, which would ensure the non-return to the policies and practices of the past, as stipulated in the Agreement on a Comprehensive Political Settlement of the Cambodia Conflict;

8. *Takes note* of the work conducted by the Special Representative of the Secretary-General on the situation of human rights in Cambodia and of the re-engagement of the Office of the United Nations High Commissioner for Human Rights with the Government of Cambodia;

9. *Decides* to extend by one year the mandate of the special procedure on the situation of human rights in Cambodia through the appointment of a special rapporteur to carry out the former functions of the Special Representative to the Secretary-General, and requests the Special Rapporteur to report on the implementation of his/her mandate to the Council at its twelfth session and to engage in a constructive manner with the Government of Cambodia for the further improvement of the situation of human rights in the country;

10. *Requests* the Secretary-General to report to the Council at its twelfth session on the role and achievements of the Office of the United Nations High Commissioner in assisting the Government and the people of Cambodia in the promotion and protection of human rights;

11. *Decides* to continue its consideration of the situation of human rights in Cambodia at its twelfth session.

22nd meeting
24 September 2008

[Adopted without a vote.]

9/16. Advisory services and technical assistance for Liberia

The Human Rights Council,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Recalling General Assembly resolution 60/251 of 15 March 2006,

Bearing in mind its resolution 6/31 of 14 December 2007,

Taking note of the report of the independent expert on technical cooperation and advisory services in Liberia (A/HRC/9/15),

Recognizing the ongoing efforts made by the United Nations, the Economic Community of West African States, the African Union and the European Union to help Liberia to fully re-establish peace and security on its national territory,

Welcoming the decisive steps taken by the Government of Liberia to further improve and accelerate progress on the situation of human rights in Liberia, and recognizing that this process still needs the continued support of the international community in order to address the remaining challenges in rebuilding its economy and society,

1. *Welcomes* the work accomplished by the independent expert in assisting the Government of Liberia to maximize the opportunities afforded by technical assistance and complementing the work of the United Nations Mission in Liberia;

2. *Encourages* the Government of Liberia to continue its work to improve the promotion and protection of human rights to enable the people of Liberia to have full enjoyment of their human rights, including in the areas highlighted by the independent expert, and to reinforce its political commitment to establish an effective national human rights protection system;

3. *Urges* the international community to provide the Government of Liberia with appropriate funding and assistance to enable it to consolidate human rights, peace and security on its national territory;

4. *Requests* the Office of the United Nations High Commissioner for Human Rights, through its presence in Liberia, to pursue its technical assistance activities and programmes in consultation with the authorities of Liberia;

5. *Invites* the Office of the High Commissioner to report to the Council at its twelfth session on the progress made in the situation of human rights in Liberia and the activities it has undertaken in the country.

22nd meeting
24 September 2008

[Adopted without a vote.]

9/17. Situation of human rights in the Sudan

The Human Rights Council,

Guided by the principles and objectives of the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reaffirming that all Members States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable international human rights instruments,

Reaffirming also Commission on Human Rights resolution 2005/82 of 21 April 2005, and Council resolutions 6/34 and 6/35 of 14 December 2007 and 7/16 of 27 March 2008,

Recalling Council resolutions 5/1 on institution-building of the Human Rights Council and 5/2 on the code of conduct for special procedures mandate-holders of the Council of 18 June 2007, and stressing that the mandate-holder shall discharge his/her duties in accordance with those resolutions and the annexes thereto,

1. *Takes note* of the reports of the Special Rapporteur on the situation of human rights in the Sudan (A/HRC/9/13) and the status of implementation of recommendations compiled by the Group of Experts on Darfur (A/HRC/9/13/Add.1);

2. *Acknowledges* the progress made in the implementation of the Comprehensive Peace Agreement and the steps taken by the Government of the Sudan to strengthen the human rights legal and institutional framework, principally in law reform;

3. *Expresses its deep concern* at the overall situation of human rights in the Sudan, including arbitrary arrests and detention, exacerbated restrictions on freedom of expression, association, assembly and movement across the country, and the lack of justice and accountability for serious crimes;

4. *Calls on* the Government of the Sudan to continue and accelerate the implementation of the Comprehensive Peace Agreement and to establish the remaining commissions, in particular the finalization of the establishment of the national human rights commission, in accordance with the Paris Principles;

5. *Also calls on* the Government of the Sudan to continue and intensify its efforts for the promotion and protection of human rights, by taking all possible concrete steps to improve the human rights situation;

6. *Takes note* of initial measures taken by the Government of the Sudan to implement the recommendations of the Group of Experts and to address human rights concerns, including the deployment of police personnel in Darfur and the sentencing of several perpetrators of serious violations of human rights, but notes that a number of the recommendations have not yet been implemented;

7. *Urges* the Government of the Sudan to continue and intensify efforts to implement the recommendations compiled by the Group of Experts on the situation of human rights in Darfur without delay, in accordance with the specified indicators;

8. *Expresses its deep concern* at the serious violations of human rights law and international humanitarian law in Darfur;

9. *Calls on* all parties to respect their obligations under international human rights law and international humanitarian law, in particular with regard to the protection of civilians, and to end all attacks on civilians, with a special focus on vulnerable groups, including women, children and internally displaced persons, as well as human rights defenders and humanitarian workers;

10. *Stresses* the primary responsibility of the Government of the Sudan to protect all its citizens, including all vulnerable groups;

11. *Reiterates its call* upon the signatories of the Darfur Peace Agreement to comply with their obligations under the Agreement and calls upon non-signatory parties to join in and to commit themselves to the Agreement in compliance with relevant United Nations resolutions;

12. *Stresses* the need to address impunity and urges the Government of the Sudan to ensure that all allegations of violations of human rights and international humanitarian law are duly investigated and that the perpetrators are brought to justice promptly by observing due judicial process;

13. *Recalls* that the Darfur Peace Agreement stipulates the principles of enhancing accountability and preventing impunity;

14. *Urges* all parties to the conflict to fully cooperate with the United Nations Mission in the Sudan and the African Union-United Nations Hybrid Operation in Darfur, in particular with their mandate to protect civilians, and to allow humanitarian agencies to move freely and safely throughout Darfur and the Sudan to carry out their vital work;

15. *Decides* to extend until June 2009 the mandate of the Special Rapporteur on the situation of human rights in the Sudan, in accordance with Council resolution 6/34, and without prejudice to the relevant provisions of Council resolution 5/1;

16. *Urges* the Government of the Sudan to cooperate fully with the Special Rapporteur and to respond favourably to her requests to visit the Sudan and to provide her with all necessary information so as to enable her to fulfil her mandate even more effectively;

17. *Requests* the Special Rapporteur to assess the needs of the Sudan in the context of her mandate and to mobilize the necessary international technical and financial support to the Sudan in the field of human rights, and invites relevant United Nations bodies and agencies, including the Office of the United Nations High Commissioner for Human Rights, to continue to provide support and technical assistance to the Sudan in the field of human rights, in accordance with assessed needs, and calls upon donors to also continue to provide financial and technical assistance and required equipment for the improvement of the human rights situation in the Sudan;

18. *Also requests* the Special Rapporteur to further ensure effective follow-up and to foster the implementation of the remaining recommendations identified by the Group of Experts through an open and constructive dialogue with the Government of the Sudan, and to include information in that regard in her next report;

19. *Further requests* the Special Rapporteur to present to the Council an annual report at its eleventh session;

20. *Calls upon* the Secretary-General to provide the Special Rapporteur with all necessary assistance to enable her to discharge her mandate fully, including by enabling any required consultations in this regard;

21. *Decides* to pursue consideration of the matter in accordance with its annual programme of work.

23rd meeting
24 September 2008

[Adopted without a vote.]

9/18. Follow-up to resolution S-3/1: human rights violations emanating from Israeli military incursions in the Occupied Palestinian Territory and the shelling of Beit Hanoun

The Human Rights Council,

Recalling its resolution S-3/1 of 15 November 2006, in which the Council decided to dispatch urgently a high-level fact-finding mission, to be appointed by the President of the Human Rights Council, to travel to Beit Hanoun to, inter alia, assess the situation of victims, address the needs of survivors, and make recommendations on ways and means to protect Palestinian civilians against any further Israeli assaults,

1. *Welcomes* the report of the high-level fact-finding mission on Beit Hanoun (A/HRC/9/26);

2. *Calls upon* all concerned parties to ensure the full and immediate implementation of the recommendations of the fact-finding mission contained in its report;

3. *Recommends* that the General Assembly consider the report with the participation of the members of the mission;

4. *Regrets* the delay in the fulfilment of the mission owing to the non-cooperation of Israel, the occupying Power;

5. *Calls upon* Israel, the occupying Power, to abide by its obligations under international law, international humanitarian law and international human rights law;

6. *Requests* the Secretary-General to report to the Council at its next session on the implementation of the recommendations contained in the report of the mission;

7. *Decides* to remain seized of the matter.

23rd meeting
24 September 2008

[Adopted by a recorded vote of 32 to 9, with 5 abstentions. The voting was as follows:

In favour:	Angola, Argentina, Azerbaijan, Bahrain, Bangladesh, Bolivia, Brazil, Burkina Faso, Chile, China, Cuba, Djibouti, Egypt, Gabon, Ghana, India, Indonesia, Jordan, Malaysia, Mauritius, Mexico, Nicaragua, Nigeria, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Uruguay, Zambia;
Against:	Canada, France, Germany, Italy, Japan, Netherlands, Slovakia, Slovenia, United Kingdom of Great Britain and Northern Ireland;
Abstaining:	Bosnia and Herzegovina, Cameroon, Republic of Korea, Switzerland, Ukraine.]

9/19. Advisory services and technical assistance for Burundi

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights and international human rights treaties,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Recalling General Assembly resolution 60/251 of 15 March 2006,

Bearing in mind Commission on Human Rights resolution 2004/82 of 21 April 2004 and Council resolution 6/5 of 29 September 2007,

Recognizing the efforts made by the United Nations, the African Union, the European Union, the Political Directorate, South Africa, in its capacity as facilitator, and the countries of the Regional Peace Initiative to help Burundi to fully re-establish peace and security in its national territory,

Cognizant of the commitment of the Government of Burundi to engage in dialogue with its political partners,

1. *Takes note with satisfaction* of the report of the independent expert on the situation of human rights in Burundi (A/HRC/9/14);

2. *Welcomes* the cooperation established between the independent expert and the Government of Burundi;

3. *Calls upon* the Government and the Palipehutu-Forces nationales de libération (FNL) to continue to work through all the mechanisms established under the Comprehensive Ceasefire Agreement to ensure its full and immediate implementation, in accordance with the timetable established in the revised Programme of Action and the mutual commitments undertaken in June 2008 in Magaliesberg, South Africa;

4. *Welcomes* the launching of a project to support the national consultations on transitional justice mechanisms in the context of the peacebuilding process and of Burundi's international commitments to this end, and urges the Government to continue its efforts in this area in collaboration with the United Nations and civil society;

5. *Commends* the efforts of the Government of Burundi and the Office of the United Nations High Commissioner for Human Rights and expresses its support for the Peacebuilding Fund aimed at the establishment of a national human rights commission, in accordance with the Paris Principles, and calls for this national institution to be established as soon as possible;

6. *Urges* the international community to increase its technical and financial assistance to the Government of Burundi with a view to supporting its efforts to respect and promote human rights, in particular in the areas of economic and social rights and justice system reform, and to provide assistance in the preparation of elections;

7. *Requests* the Office of the High Commissioner, through its presence in Burundi, to continue its activities and technical assistance programmes in consultation with the Burundi authorities;

8. *Decides* to extend the mandate of the independent expert until an independent national human rights commission has been established;

9. *Invites* the independent expert to report on his activities to the Council at the session following the establishment of the above-mentioned commission;

10. *Invites* the Office of the High Commissioner to report to the Council at its twelfth session on the progress achieved in the situation of human rights in Burundi and on his activities in the country, and to make recommendations on suitable independent mechanisms necessary for the promotion and protection of human rights in Burundi.

23rd meeting
24 September 2008

[Adopted without a vote.]

II. DECISIONS

9/101. Missing persons

At its 22nd meeting, on 24 September 2008, the Human Rights Council decided, without a vote, to adopt the following text:

"*The Human Rights Council,*

Recalling its resolution 7/28 of 28 March 2008 and all previous resolutions on missing persons adopted by the General Assembly and Commission on Human Rights,

Welcoming the panel discussions *on* the question of missing persons held at its ninth session,

Looking forward to the summary of the panel's deliberations to be prepared by the High Commissioner,

Requests the Advisory Committee to prepare subsequently a study on the best practices in the matter of missing persons and to submit that study to the Council at its twelfth session."

9/102. Commemorative session on the occasion of the sixtieth anniversary of the Universal Declaration of Human Rights

At its 22nd meeting, on 24 September 2008, the Human Rights Council decided, without a vote, to adopt the following text:

"*The Human Rights Council*,

Guided by the purposes, principles and provisions of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights,

Bearing in mind that 2008 marks the sixtieth anniversary of the Universal Declaration of Human Rights,

1. *Decides* to convene a one-day session to commemorate the sixtieth anniversary of the Universal Declaration of Human Rights, to be held during the week of 8 December 2008, to present national, regional and international initiatives launched on the occasion of the anniversary;

2. *Invites* the Secretary-General and the United Nations High Commissioner for Human Rights to address the Council."

9/103. Strengthening of the Human Rights Council

At its 22nd meeting, on 24 September 2008, the Human Rights Council decided, by consensus, to adopt the following text:

"*The Human Rights Council*,

Recalling General Assembly resolution 60/251, previous relevant President's statements and Council decisions and resolutions, the reports related to the functioning of and support for the Council, and underlining the crucial importance of appropriate resources to support the work of the Council and its numerous mechanisms,

Bearing in mind the increase in meetings, documentation and other activities arising from the establishment of the Council and the development of its related mechanisms, which will continue to meet regularly throughout the year,

Recalling its decision 3/104 of 8 December 2006, in which the Council requested the Secretary-General to report on means to guarantee the provision of, inter alia, translation of documentation and webcast coverage for sessions of the Council,

Recalling also that the resulting report of the Secretary-General (A/62/125) was not fully supported in terms of additional resources under budget sections 2 and 28,

1. *Takes note* of the report of the Office of the United Nations High Commissioner for Human Rights on conference facilities and financial support for the Human Rights Council (A/HRC/9/18), submitted pursuant to Council resolution 8/1;

2. *Also takes note* of the assessment of the Division of Conference Management at the United Nations Office at Geneva on the situation relating to the submission of documents to the Council, including those of the universal periodic review, and in particular the delays in the translation of documents into the six languages of the United Nations and the assessment of the Department of Public Information regarding the information servicing requirements of the Council, including the webcasting of all proceedings of its working groups, taking into account the principles of transparency, equal treatment and non-selectivity;

3. *Requests* the Secretary-General to present to the General Assembly during the main segment of its sixty-third session a report with details of the resources required to ensure the provision of necessary services indicated in the report of the Office of the High Commissioner (A/HRC/9/18);

4. *Decides* to recommend that the General Assembly ensure the establishment of an Office of the President of the Human Rights Council, with adequate staffing resources, including the provision of necessary equipment;

5. *Requests* the United Nations Office at Geneva to ensure that the facilities for the President be in the immediate vicinity of the conference room used by the Council;

6. *Decides* to remain seized of this issue."

III. PRESIDENT'S STATEMENTS

PRST/9/1. Situation of human rights in Haiti

At the 22nd meeting, on 24 September 2008, the President of the Council read out the following statement:

"1. The Human Rights Council welcomes recent political developments in Haiti, marked by the formation and installation of a new Government.

2. The Council commends the reaffirmation by the Haitian authorities of their commitments and their determination to improve living conditions for Haitians, with a special emphasis on respect for human rights.

3. The Council notes with satisfaction the cooperation between the Haitian National Police and the United Nations Stabilization Mission in Haiti in curbing violence, crime and banditry.

4. The Council welcomes the adoption of the regulations on the judiciary and the new Act on the High Council of the Judiciary, as well as the reopening of the Judicial Training College. It encourages the authorities to continue their efforts, in particular as regards

reinforcing inspection units within the police and justice systems, eliminating prolonged pretrial detention, introducing a legal aid scheme and strengthening the Office of Citizen Protection.

5. The Council thanks the outgoing independent expert for his important contribution to consolidating the rule of law in Haiti through his judicious recommendations, in particular with regard to judicial reform.

6. The Council is deeply concerned at the deterioration of Haitians' standard of living and quality of life in recent months, partly as a result of the serious economic crisis and acute food shortage. It deplores the heavy loss of life and material damage caused by the consecutive passage of hurricanes Fay, Gustav, Hanna and Ike.

7. The Council is aware of the many obstacles to development in Haiti and the difficulties encountered by its leaders in daily governance. It recognizes that full enjoyment of human rights - civil and political, economic, social and cultural - is a factor of peace, stability and progress in Haiti.

8. The Council strongly encourages the international community as a whole, and in particular international donors, friendly countries and United Nations specialized agencies, to step up their cooperation with the constituted authorities of Haiti for the full realization of human rights.

9. The Council welcomes the Haitian authorities' request to extend the mission of the independent expert on the situation of human rights in Haiti to September 2010 and decides to support that request.

10. The Council also welcomes the appointment of Michel Forst as independent expert on the situation of human rights in Haiti.

11. The Council invites the new expert to continue the work undertaken and to carry out his mission by bringing his experience and expertise to bear and contributing to the cause of human rights in Haiti, with a particular emphasis on economic, social and cultural rights.

12. The Council also invites the new expert to undertake a mission to Haiti in the near future and report to it each year in accordance with its programme of work. It encourages the Haitian authorities to cooperate with the new independent expert."

PRST/9/2. Follow-up to President's statement 8/1

At the 22nd meeting, on 24 September 2008, the President of the Council read out the following statement:

"To ensure the smooth adoption of future reports relating to the universal periodic review, and in the light of the consultations held with all concerned parties, the following arrangements shall be followed:

(a) The report of the respective session of the Council shall comprise, as an integral section, the following parts:

(i) Summary of the views expressed by the State under review in the plenary session of the Council before the adoption of the outcome, its replies to questions and issues not sufficiently addressed during the interactive dialogue, its views on conclusions and recommendations, its voluntary commitments and its concluding remarks;

(ii) Summary of the views expressed on the outcome by Member and observer States of the Council;

(iii) Summary of general comments made by other relevant stakeholders;

(b) In order to reflect the views of all speakers accurately and to ensure balanced reporting on both the Working Group and plenary sessions, and bearing in mind the financial implications, including costs for translation of documents, a word limit shall apply to documentation related to the universal periodic review, as specified in the chart annexed to the present text;

(c) Statements or part of the statements, including those ruled out of order under the universal periodic review, will be dealt with in accordance with the rules and practices of the Council."

Annex

UNIVERSAL PERIODIC REVIEW DOCUMENTATION

Working Group (in session)	A/HRC/8/xx	Report of the Working Group on each country reviewed.	Up to 9,630 words/country (includes recommendations)*
Working Group (post-session)	A/HRC/8/xx/Add.1 (optional)	Written views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review after the session of the Working Group.	Up to 2,675 words
Council plenary	Integral section of A/HRC/xx/L.10	(i) Summary of the views expressed by the State under review in the plenary session of the Council before the adoption of the outcome, its replies to questions and issues not sufficiently addressed during the interactive dialogue, its views on conclusions and recommendations, its voluntary commitments and its concluding remarks; (ii) Summary of the views expressed on the outcome by Member and observer States of the Council; (iii) Summary of general comments made by other relevant stakeholders.	Up to 3,210 words/country*

* Number of words prorated to speaking time used by each category of speaker within agreed time limits.